

ESHB 2884 - S COMM AMD

By Committee on Early Learning & K-12 Education

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** It is the intent of the legislature to
4 preserve and promote a safe and beneficial learning environment for all
5 students while also balancing each student's right to be free from
6 unreasonable use of physical force, including mechanical or chemical
7 restraint. The legislature recognizes that a truly beneficial learning
8 environment is dependent on the quality of the interaction between
9 staff, students, and parents and is fostered through the development of
10 a sense of community within the school. The legislature acknowledges
11 that school district boards of directors may find it necessary to
12 employ school security personnel or to rely upon school resource
13 officers in order to preserve a safe and beneficial learning
14 environment within certain schools. The legislature finds that the
15 establishment of appropriate student discipline policies, security
16 models, and training requirements, which stress techniques meant to
17 diffuse anger, de-escalate conflict, and reduce violent behavior within
18 the school, will help to further a quality learning environment where
19 all students are treated with dignity and respect. The legislature
20 further finds that use of physical force, including mechanical or
21 chemical restraint as an intervention in the school environment should
22 be used only in emergency situations after other less intensive
23 alternatives have failed or have been deemed inappropriate and, if
24 used, should only be used by appropriately trained personnel.

25 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.600
26 RCW to read as follows:

27 (1) The definitions in this subsection apply throughout this
28 section unless the context clearly requires otherwise.

1 (a) "Chemical restraint" means the use of force or physical
2 intervention to control a student or limit a student's freedom of
3 movement through the use of pepper spray or the administration of any
4 medication for the purpose of restraining the student.

5 (b) "Mechanical restraint" means the use of force or physical
6 intervention to control a student or limit a student's freedom of
7 movement through the use of a mechanical device including, but not
8 limited to, metal handcuffs, plastic ties, ankle restraints, leather
9 cuffs, other hospital-type restraints, tasers, or batons.

10 (c) "School resource officer" means a commissioned law enforcement
11 officer, or person with the equivalent training from the criminal
12 justice training commission but who is not commissioned, who provides
13 security and law enforcement services at one or more public schools as
14 assigned by a local law enforcement agency in collaboration with school
15 district officials.

16 (d) "School security officer" means a person other than a school
17 resource officer who provides security services at one or more public
18 schools under the direction of a school administrator.

19 (2) Except as provided in subsection (3) of this section, the use
20 of mechanical or chemical restraint in the public schools is
21 prohibited.

22 (3) This section does not prohibit:

23 (a) The use of mechanical or chemical restraint when such use is
24 permitted or required by and is consistent with a student's 504 plan or
25 individualized education plan;

26 (b) The right of any individual to report to appropriate
27 authorities a crime committed by a student or other individual;

28 (c) Commissioned law enforcement officers, school resource
29 officers, or judicial authorities from exercising their authority or
30 executing their responsibilities, including the physical detainment of
31 a student or other person; or

32 (d) A school security officer from using metal handcuffs or plastic
33 ties to restrain a student while awaiting the arrival of a commissioned
34 law enforcement officer under the following circumstances only:

35 (i) The student's behavior poses a threat of imminent, substantial
36 bodily harm to property, to self, or to others; and

37 (ii) Nonphysical interventions and nonmechanical restraint would
38 not be effective in removing the imminent threat of harm.

1 NEW SECTION. **Sec. 3.** (1) The Washington state school directors'
2 association shall mediate and facilitate a school disciplinary action
3 task force to review and make recommendations on the development of a
4 model policy regarding the use of physical force in schools. For the
5 purpose of the task force review, physical force shall, at a minimum,
6 include the use of physical or bodily restraint as well as mechanical
7 and chemical restraint devices.

8 (2) The task force shall be chaired by a member of the Washington
9 state school directors' association and shall consist of twelve
10 additional members. The members shall be appointed as provided in this
11 subsection.

12 (a) The president of the senate shall appoint one member from each
13 of the two largest caucuses of the senate. The speaker of the house of
14 representatives shall appoint one member from each of the two largest
15 caucuses of the house of representatives.

16 (b) The Washington association of sheriffs and police chiefs shall
17 appoint one member.

18 (c) The Washington state parent teacher association shall appoint
19 one member.

20 (d) The superintendent of public instruction shall select a member
21 of the school safety advisory committee to serve as a member of the
22 task force.

23 (e) The Washington state school directors' association shall
24 appoint the remaining five members of the task force from organizations
25 that express interest in participating on the task force and that have
26 a history of involvement with school disciplinary action. One of the
27 appointments shall be a representative of an organization representing
28 the minority community that has been actively involved in monitoring
29 the issue of school disciplinary action. One of the appointments shall
30 be a representative of a civil rights organization that has been
31 actively involved in monitoring the issue of school disciplinary
32 action. For the remaining three appointments, the association shall
33 strive to appoint members who are representative of a wide range of
34 viewpoints and backgrounds, including representation from community
35 members and public education stakeholders.

36 (3) The Washington state school directors' association and the
37 senate committee services and the house of representatives office of

1 program research staff from the education committees of the legislature
2 shall staff the task force.

3 (4) In developing recommendations, the task force shall review a
4 representative sampling of discipline policies used in other states and
5 those used by school districts in Washington. The task force shall, at
6 a minimum, develop recommendations on the following issues:

7 (a) A description and recommendation on the methods of physical
8 force that should be authorized at the school and under what
9 conditions, including definitions of relevant terms. The
10 recommendations shall, at a minimum, distinguish when each of the types
11 of physical force, including mechanical or chemical restraint, should
12 and should not be used, who should and should not be authorized to use
13 each type of physical force, and recommendations for when de-escalation
14 tactics should be used;

15 (b) Recommendations for training requirements for those authorized
16 to use each of the types of physical force as well as training
17 recommendations for de-escalation tactics;

18 (c) Recommendations on incident reporting requirements and the
19 follow-up procedures to be used whenever there is a use of physical
20 force by school personnel, including, at a minimum, written reporting
21 requirements, the timeline of the reporting requirements, and whether
22 there should be annual reporting to the office of the superintendent of
23 public instruction of additional data on disciplinary action, including
24 physical force; and

25 (d) Recommendations on procedures for notification to parents or
26 guardians.

27 (5) The task force shall submit a report with recommendations to
28 the education committees of the legislature by August 2008.

29 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of the
31 state government and its existing public institutions, and takes effect
32 immediately."

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1 On page 1, line 1 of the title, after "policies;" strike the
2 remainder of the title and insert "adding a new section to chapter
3 28A.600 RCW; creating new sections; and declaring an emergency."

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